

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Courts
Southern District of Texas
FILED

November 01, 2023

Nathan Ochsner, Clerk of Court

United States of America
v.
Artemio Hernandez-Castaneda

Case No.

4:23-mj-2034

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 31st, 2023 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:*Code Section*

8 U.S.C. § 1326 (a) and (b)(1)

Offense Description

a native and citizen of Mexico, and an alien who had been previously deported from the United States, subsequent to having been convicted of a crime defined as a felony, was found unlawfully in the United States at Houston, Texas, the said defendant having not obtained the consent before March 2003 from the Attorney General of the United States to reapply for admission into the United States; and without having obtained corresponding consent after February 2003 from the Secretary of Homeland Security pursuant to 6 U.S.C. §§ 202(3) and (4) and 6 U.S.C. § 557,

This criminal complaint is based on these facts:

See Attached Affidavit in support of the Criminal Complaint

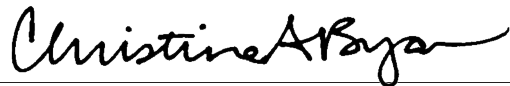
☒ Continued on the attached sheet.

Complainant's signature

Daniel I. Chagoya, ICE Deportation Officer

Printed name and title

Sworn to me telephonically.

Date: 11/01/2023

Judge's signature

City and state: Houston, Texas

Christina A. Bryan United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Daniel I, Chagoya, being duly sworn telephonically, hereby depose and say:

(1) I am a Deportation Officer with the United States Immigration and Customs Enforcement (“ICE”) and have served in that capacity since November 9, 2008. My law enforcement career began September 18, 2005, as a Customs and Border Protection Officer. I held this position until transferring to Immigration and Customs Enforcement as a Deportation Officer. I currently have over 17 years of immigration law enforcement experience.

(2) On October 31st, 2023, at 1600 hrs., Artemio Hernandez-Castaneda (“Defendant”) was detained by ICE.

(3) The Defendant’s fingerprints have been taken and electronically submitted to various law enforcement databases. According to the Integrated Automated Fingerprint Identification System (IAFIS), the Defendant is the same individual as the person referred to in this Affidavit as having been previously deported and convicted.

(4) Based upon the information from ICE’s records as described below, and my training and experience, I submit that there is probable cause to believe that the Defendant is in violation of 8 U.S.C. § 1326(a)(b)(1).

(5) Element One: The Defendant is a citizen and national of Mexico and not a native, citizen or national of the United States.

(6) Element Two: The Defendant has previously been deported or removed from the United States on the following occasions:


1. Removed 08/04/2020
2. Removed 02/21/2017
3. Removed 07/28/2011
4. Removed 06/15/2007

(7) Element Three: After deportation, the Defendant was subsequently found in the United States on March 3, 2021, at Houston, Texas, which is within the Southern District of Texas. Specifically, the Defendant was found in Harris County, which is in within the Houston Division of the Southern District of Texas.

(8) Element Four: The Defendant did not have permission to reenter the United States. On October 31st, 2023, I reviewed the contents of the Alien File associated with this Defendant

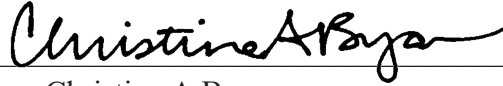
and/or available database information. I found no indication that the Defendant has ever received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, to apply for admission to the United States following deportation from the United States. I have requested certification of this fact from the Records Branch of the Immigration Service.

- (9) Prior Criminal History. The Defendant has the following prior criminal history:
- a. On August 26, 2023, the defendant was arrested by Houston Police Department for the offense of burglary of a vehicle, case is pending.
 - b. On May 4th, 2022, the defendant was convicted in the 338th District Court of Harris County, TX for the offense of evading arrest and sentenced to 365 days confinement. (case# 171296901010)
 - c. On May 4th, 2022, the defendant was convicted in the 338th District Court of Harris County, TX for the offense of evading arrest and sentenced to 365 days confinement. (case# 168320801010)
 - d. On December 1st 2011, the defendant was convicted in the 209th District Court at Harris County, TX for the offense of theft prop \$1500-20k and sentenced to 1 year confinement.
 - e. On June 30th, 2009, the defendant was convicted in the 182nd District Court at Harris County, TX for the offense of burglary of vehicle and sentenced to 12 months confinement.
 - f. On February 16th, 1998, the defendant was convicted in the County Criminal Court at Law # 10 for the offense of burglary of a vehicle and sentenced to 180 days confinement.
 - g. On June 19th, 1992, the defendant was convicted in the 337th District Court at Harris County, TX for the offense of burglary of a vehicle and sentenced to 5 years deferred adjudication.
- (10) On November 1, 2023, I contacted the U.S. Attorney's Office, Southern District of Texas, Houston Division, concerning this criminal complaint. On or about that day, Assistant U.S. Attorney Lauren Valenti (713) 567-9521 accepted this case for prosecution for a violation of 8 U.S.C. § 1326(a)(b)(1).



Daniel I. Chagoya, Deportation Officer
United States Department of Homeland Security
U.S. Immigration & Customs Enforcement

Sworn to me telephonically on this 1st day of November 2023, and I find probable cause.

A handwritten signature in black ink, reading "Christina A. Bryan", written over a horizontal line.

Hon. Christina A Bryan
United States Magistrate Judge
Southern District of Texas